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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,414	12/12/2001	Tso-Hung Fan	JCLA7737	4054
7590	05/27/2004			
J.C. Patents, Inc.			EXAMINER	
4 Venture, Suite 250			PHAM, LY D	
Irvine, CA 92618				
			ART UNIT	PAPER NUMBER
			2818	

DATE MAILED: 05/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/015,414	Applicant(s) FAN ET AL.
	Examiner Ly D Pham	Art Unit 2818

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 14 April 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 5-8 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 5-8 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 12 December 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. ____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a))

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

DETAILED ACTION

1. Applicant's Request for Continued Examination (RCE) filed April 14, 2004 has been entered.

Claims 5 and 8 have also been amended.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5 – 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jung et al. (US Pat 6,426,897).

Regarding **claim 5**, Jung et al. disclose a method of erasing a non-volatile memory cell using hot carrier injection method (col. 1, lines 50 – 53), the method comprising the steps of:

applying a first positive bias to the drain region (figs. 4A – 4C, 5 volts being applied to drain);

applying a second positive bias to the gate conductive layer (figs. 4A – 4C, positive voltages applied to gates);

and grounding the source region to generate hot electron holes in a channel region (figs. 4A – 4C, source region is grounded), wherein the hot electron holes are injected into the charge-trapping layer (col. 4, lines 11 – 23).

Although Jung et al. disclose the feature of hot carrier injection for data erase and did not clearly specify the fact that the hot carriers are injected through the nitride-tunneling layer, this feature is however considered common and well known in the memory arts, wherein non-volatile/flash memory mandates a nitride layer for charge trapping purposes. Since Jung et al. did not indicate that their method be used specifically for any one particular type of non-volatile memory cell, the method is not limited to whether or not the non-volatile memory cell is ONO or SONOS. Therefore, it is considered obvious to one of ordinary skill in the art, at the time the invention was made to realize that the method of erasing a non-volatile memory cell as claimed is included and comprehensible by the disclosure of Jung et al.

Regarding **claim 6**, Jung et al. disclose the method of claim 5, wherein the first positive bias ranges from about 2V – 5V (figs. 4A – 4C, Vd is 5V).

Regarding **claim 7**, Jung et al. further disclose the method of claim 5, wherein the second positive bias ranges from about 2.5V – 5V (figs. 4A – 4C, Vg ranges from 3 – 7 volts).

Regarding **claim 8**, Jung et al. also show the method of claim 5, wherein the first positive bias and the second positive bias are both sufficient to erase the non-volatile memory (col. 3, lines 3 – 7, ‘... 5V and 3V must be applied respectively...’).

Conclusion

6. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. When responding to the office action, Applicant(s) are advised to provide the examiner with the page and line numbers in the application and/or references cited to assist the examiner to locate the appropriate paragraphs.

9. Any inquiry concerning this communication on earlier communications from the examiner should be directed to Ly Pham, whose telephone number is 703-305-4862. The examiner can normally be reached on Monday – Friday from 8:30am to 5:00pm, alternate Friday off. The examiner's supervisor, David Nelms, can be reached at 703-308-4910. The fax number for the organization where this application or proceeding is assigned is 703-308-7724.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Ly Pham 

May 18, 2004


David Nelms
Supervisory Patent Examiner
Technology Center 2800